



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
Burley Field Office  
15 East 200 South  
Burley, Idaho 83318  
(208) 677-6641



In Reply Refer To:  
3600 (220)  
IDI-28195-02

April 22, 2009

**Decision Record  
for the  
Oakley Highway District (Goose Creek Pit)  
Free Use Permit Renewal  
ID-220-2009-DNA-3617**

**A. PROPOSED ACTION**

Renew for a 10-year period the existing Free Use Permit (FUP) to the Oakley Highway District for the Goose Creek pit site located approximately 8 miles south of Oakley Dam on Goose Creek Road. This permit will authorize the removal of up to 40,000 cubic yards from the original site. No new surface disturbance is authorized with this permit. The legal description for this site is:

Township 15 South, Range 22 East, Section 31, SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  (10 Acres).

**B. PLAN CONFORMANCE REVIEW**

The applicable Land Use Plan (LUP) is the Cassia Resource Management Plan (RMP) that was approved on January 24, 1985.

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s): Management Area 4 – Middle Mountain, Page 19, Required Actions (F) “Open to mining and mineral leasing/sale.”

**C. EXISTING NEPA REVIEW**

Cassia RMP Environmental Impact Statement (EIS), May 1984.

Oakley Highway District FUP (Goose Creek Pit) Environmental Assessment (EA) (ID-020-92-028); Decision Record and Finding of No Significant Impact, signed April 30, 1992. This EA authorized a 5-yr FUP to the Oakley Highway District for removal of 20,000 cubic yards from the Goose Creek site.

#### **D. DECISION**

I have decided to authorize a 10-year FUP with the attached Special Stipulations to the Oakley Highway District for the removal of up to 40,000 cubic yards of mineral materials from the Goose Creek site indicated above. The DNA (NEPA No. ID-220-2009-DNA-3617) completed for this project documents that the proposed action is allowed in the LUP and is a feature of the selected alternative which was analyzed in the Oakley Highway District FUP EA (ID-020-92-028). This EA analysis resulted in authorization of the initial FUP to the Oakley Highway District at the Goose Creek site.

#### **E. APPEAL OPPORTUNITIES**

My decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Any appeal must be filed within 30 days of this decision. Any notice of appeal must be filed with the Burley Field Manager, 15 East 200 South, Burley Idaho 83318. If a statement of reasons for the appeal is not included with the notice, it must be filed with the IBLA, Office of Hearings and Appeals, U. S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the Burley Field Manager.

If an appeal is filed, the appellant may also file a petition for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the IBLA. The petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted; and
- (4) Whether the public interest favors granting the stay.

In the event a request for stay or an appeal is filed, the person/party requesting the stay or filing the appeal must serve a copy of the appeal on the Office of the Field Solicitor at the following address: Department of Interior, Boise Field Solicitor's Office, University Plaza, 960 Broadway Avenue, Suite 400, Boise, ID 83706.

#### **F. Signature**

Authorizing Official:           /s/ Jim Tharp (for)           Date:           4/22/2009            
Name: Michael Courtney  
Title: Field Manager

#### **Contact Person**

For additional information concerning this decision, contact Valerie Lenhartzen, Geologist, (208) 677-6667, Burley Field Office, 15 East 200 South, Burley, Idaho 83318.